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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	
Amendment of Parts 2 and 25 of the Commission's Rules to Allocate the 13.75-14.0 GHz Band to the Fixed Satellite Service	ET Docket No. 96-20 RM-8638

Reply Comments of Hughes Communications Galaxy, Inc.

Hughes Communications Galaxy, Inc. ("HCG") hereby submits its reply comments to certain issues raised in Comments filed by other parties in this proceeding. Below, HCG responds to the National Aeronautics and Space Administration's ("NASA's") proposal to adopt additional technical rules regarding the use of the 13.75-14.0 GHz band and to GE American Communications, Inc.'s ("GE Americom's") proposal that the Commission change its existing allocation for FSS use of the 10.95-11.2 and 11.45-11.7 GHz bands. Each of HGC, COMSAT Corporation, Loral Aerospace Holdings Inc. and GE Americom has filed comments in support of the Commission's Notice of Proposed Rulemaking in this proceeding (the "Notice"), released February 23, 1996.

A. NASA Comments

On April 12, 1996, HGC received a copy of a document entitled "NASA draft comments on FCC Notice of Proposed Rule Making in the matter of Amendment of Parts 2

and 25 of the Commission's Rules to Allocate the 13.75-14.0 GHz Band to the Fixed Satellite Service (ET Docket No. 96-20)" (the "NASA Comments"), which sets out the position of NASA with respect to the Notice, and specifically addresses the issue of minimizing harmful interference to the federal government's satellite stations in the 13.75-14.0 GHz band.

In its comments, NASA proposes the immediate adoption of footnotes S5.502, S5.503 and S5.503A from the Final Acts of the 1995 World Radio Communication Conference ("WRC-95") and additional parameters from Recommendation ITU-R-SA.1071 as the final sharing criteria for the 13.75-14.0 GHz band. This proposal would replace the Commission's proposal in the Notice to adopt the U.S. WRC-95 proposals for international footnotes 855A, 855B and 855C (the "U.S. Proposals") as the sharing criteria for the 13.75-14.0 GHz band, and address at a later date the reconciliation of those proposals with the WRC-95 Final Acts. In addition, NASA asks the Commission to define certain geographic zones around the world where, until the years 2000 or 2001, FSS earth stations in the 13.75-14.0 GHz band would be subject to additional operational limitations.

As an initial matter, HCG urges the Commission to follow its current course and adopt the U.S. Proposals and reconcile those proposals with the WRC-95 Final Acts at the earliest practicable time. HGC has no objection to the eventual adoption of the WRC-95 Final Acts. However, HCG is very concerned that NASA's proposal to immediately implement the WRC-95 Final Acts instead of the U.S. Proposals would cause unnecessary delay in this proceeding and forestall the use of this band by satellite systems like HCG's

Galaxy VIII(I) proposal, which has been pending for two years now.[1/] This proceeding is already over a year old, and NASA has not demonstrated any way that it will be prejudiced by the Commission's current proposal for the immediate adoption of the U.S. Proposals and the later implementation of the WRC-95 Final Acts, as set out in the Notice.

With respect to the new technical limitations offered by NASA, HCG has three concerns. First, to the extent that NASA asks the Commission to adopt rules that restrict the operation of FSS earth stations located outside the United States or its territories, it is not clear how the Commission could apply those rules to earth stations that would be licensed by other administrations. Moreover, unilaterally imposing these restrictions would place U.S. companies at a competitive disadvantage vis-a-vis companies licensed in other countries not subject to these restrictions. To the extent that NASA wishes for these geographic zones to affect the licensing of earth stations outside the U.S. and its territories, HCG believes that the issue is more appropriately addressed at the International Telecommunications Union (the "ITU").

Second, the NASA Comments are ambiguous on the treatment of earth stations located within certain proposed geographic zones. NASA first argues that the station emission criteria from ITU-R-SA.1071 should be added to Part 25 of the Commission's Rules, and correctly notes that ITU-R-SA.1071 would require case-by-case earth station coordination within specified geographic zones. NASA then articulates that "[i]n order to protect the Government spaceborne altimeter TOPEX/POSEIDON . . . [e]arth stations within

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1. Hughes Communications Galaxy, Inc., File Nos. 47-DSS-P/LA-94; CSS-94-018.

these [geographic] zones will require consultation on a case-by-case basis.[2] Yet, later in its comments, NASA seemingly argues for the imposition of a ban on earth stations within the geographic zones, rather than the consultation process described above. Specifically, NASA suggests, "FSS [e]arth stations operating in the 13.75-14.0 GHz band shall not be located within the critical zones identified in Figure 1 until January 2000"[3] and "FSS earth stations operating in the 13.75-13.8 GHz band shall not be located within the critical zones identified in Figure 2 until January 2001."[4] In light of the unambiguous provisions of ITU-R-SA.1071 which provide for coordination between FSS earth stations and other services in the 13.75-14.0 GHz band, HCG strongly opposes any outright ban on the use of earth stations within the geographic zones. The case-by-case consultation process contemplated by ITU-R-SA.1071 is a fair mechanism for resolving any potential conflicting uses of spectrum, and should be used here, subject to the procedural restraints HCG proposed in its Comments.

Third, to the extent that the Commission adopts all or part of the geographic zones proposed by NASA as the pre-defined coordination zones, it is critical that those zones be defined precisely by geographic coordinates. In order for satellite operators to be able to plan their businesses, they need advance notice of areas where coordination problems may arise. The combination of the technical rules proposed by the Commission and precise

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2. NASA Comments at 2.a.

3. Id. at 6.a.

4. Id. at 6.e.

geographic coordination areas would allow commercial use of this band to immediately occur without imposing any undue burden on the systems that NASA seeks to protect.[5/]

B. GE Americom Comments

In its comments, GE Americom raises an entirely new issue that is beyond the scope of this proceeding: the use of the 10.95-11.2 and 11.45-11.7 GHz downlink bands for domestic FSS service.[6/] GE Americom urges the Commission to lift existing regulations which restrict the use of these bands to only international FSS systems, and by so doing, make them available to domestic systems. HGC does not, in principle, oppose GE Americom's proposal to eliminate the restrictions on domestic use of these downlink bands. However, this issue clearly falls outside of the scope of this proceeding and therefore must be addressed elsewhere. Moreover, consideration of that issue could further delay resolution of this proceeding, which HCG initiated, and which is required for HCG's Galaxy VIII(I) satellite, which is scheduled for launch in 1997.

GE Americom is free to submit its own petition for rulemaking if it wishes to modify existing rules for the use of the 10.95-11.2 and 11.45-11.7 GHz bands. There is no reason to consider these bands here.

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5. See e.g., 47 C.F.R. § 25.203(f).

6. See Comments of GE American Communications, Inc. at 1-8. Under the Commission's Rules, FSS use of these bands is limited to international systems. 47 C.F.R. § 25.202.

For the foregoing reasons, HCG urges the Commission promptly to complete this proceeding based on its proposal in the Notice. Any reconciliation of the United States' proposals for WRC-95 and the WRC-95 Final Acts should be undertaken at a later date, rather than as part of this proceeding. To the extent that the Commission adopts NASA's proposed geographic zones for FSS earth station coordination, it is critical that those zones be clearly defined by geographic coordinates. In no case should those zones be earth station exclusion zones. Finally, GE Americom's proposal to eliminate the restrictions on domestic use of 10.95-11.2 and 11.45-11.7 GHz downlink bands clearly falls outside of the scope of this proceeding and must be addressed in a separate rulemaking.

Respectfully submitted,

HUGHES COMMUNICATIONS GALAXY, INC.

By: John G. Holland

Gary M. Epstein
John P. Janka
John G. Holland
LATHAM & WATKINS
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 637-2200

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CERTIFICATE OF SERVICE

I, Wanda J. Sisco, do hereby certify that true and correct copies of the foregoing Reply Comments of Hughes Communications Galaxy, Inc. were mailed, first class postage prepaid, this 26th day of April, 1996 to the following:

Richard D. Parlow
Associate Administrator
Office of Spectrum Management
NTIA, U.S. Department of Commerce
14th & Constitution Ave., N.W.
Room 4099
Washington, D.C. 20230

James L. Ball
Associate Bureau Chief
2000 M Street, N.W.
Room 800
Washington, D.C. 20554

Thomas Walsh
Senior Engineer
International Bureau
Federal Communications Commission
2000 M Street, N.W.
Washington, D.C. 20554

Cecily Holiday, Esq.
Deputy Chief
Satellite & Radiocommunications Division
International Bureau
Federal Communications Commission
2000 M Street, N.W.
Washington, D.C. 20554

William Luther
Chief, Radiocommunications
Policy Branch
Satellite & Radiocommunications Division
International Bureau
Federal Communications Commission
2000 M Street, N.W.
Washington, D.C. 20554

Frank Williams
International Bureau
Federal Communications Commission
2000 M Street, N.W. Stop Code 0800C
Washington, D.C. 20554

Thomas Tycz
Chief, Satellite & Radiocommunications Division
International Bureau
Federal Communications Commission
2000 M Street, N.W., Stop Code 0800B
Washington, D.C. 20554

Harry Ng
Chief, Satellite Engineering Branch
Satellite & Radiocommunications Division
International Bureau
Federal Communications Commission
2000 M Street, N.W.
Washington, D.C. 20554

Lawrence Petak
Chief, New Technology
Development Division
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, N.W.
Washington, D.C. 20554

David P.M. Struba
Chief, Spectrum Management
Office of Space Communications
NASA Headquarters
300 E Street
Washington, D.C. 20546

Peter A. Rohrbach
Hogan & Hartson
555 Thirteen Street, N.W.
Washington, D.C. 20004

Robert A. Mansbach
6560 Rock Spring Drive
Bethesda, Maryland 20817

Philip L. Verveer
Willkie Farr & Gallagher
1155 21st Street, N.W.
Suite 600
Washington, D.C. 20036

Wanda J. Sisco